

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAHMOOD NAZIR KHAN,
Plaintiff,

v.

USCIS US CITIZENSHIP &
IMMIGRATION SERVICES,
Defendant.

No. 2:23-cv-1614 KJM DB PS

ORDER TO SHOW CAUSE

Plaintiff Mahmood Nazir Khan is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On August 7, 2023, plaintiff filed a complaint, paid the applicable filing fee, and summons issued. (ECF Nos. 1 & 2.) A letter also issued that advised plaintiff that Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be dismissed if service of the summons and complaint is not accomplished on the defendant within 90 days after the complaint was filed. (ECF No. 3.) More than 90 days have passed, plaintiff has taken no action in this case, and the docket does not reflect proof of service on, or the appearance of, a defendant.

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1 In this regard, it appears that plaintiff has failed to prosecute this action. In light of
2 plaintiff's pro se status, and in the interests of justice, the court will provide plaintiff with an
3 opportunity to show good cause for plaintiff's conduct.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff show cause in writing within fourteen days of the date of this order as to why
6 this case should not be dismissed for lack of prosecution¹; and

7 2. Plaintiff is cautioned that the failure to timely comply with this order may result in a
8 recommendation that this case be dismissed.

9 DATED: April 3, 2024

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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27 ¹ Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules
of Civil Procedure.